

If Board and Rooms You Need Real Bad, Send P.-D. Wants a Small Want Ad.

CASE THAT HAS
NO PARALLEL.

MRS. A. C. LYLE WILL ASK \$100,000 DAMAGES.

SHE IS AFFLICTED FOR LIFE.

St. Ann's Orphan Asylum to Be Soon
Made Defendants in a
Strange Suit.

Papers are being drawn and will be filed within a few days in a damage suit for \$100,000 that is said to be without a parallel in the history of jurisprudence in the United States.

The plaintiffs will be Mr. and Mrs. A. C. Lyle and the defendants the St. Ann's Orphan Asylum, and it is possible Archbishop Kain.

The claim for damages is based on the allegation that defendants are liable for the terrible affliction that has befallen the family of Mr. Lyle, who is a tailor at 1239 Cass avenue.

The attorneys for both the defense and the plaintiffs have searched the books diligently, but they can find no precedents upon which to base the issues that will be involved. Indeed, as one of the lawyers said Friday, the trial will bring up points that have never been considered in a court, and the final ruling will determine a question that so far as records go has never been before judges in the United States for settlement, and probably not in any other country.

Although this novel case has not yet been brought to the attention of the public by court proceedings, and through the medium of the press, it has been under discussion for several months by many prominent lawyers, by dignitaries of the Catholic Church and by laymen who form the directors of the asylum.

The question would never have come before the public but for a difference of opinion as to the legal liability of the benevolent order in the premises, and it is thought that this will be the main point, and, in fact, the only one for the court to determine. But around the dry technicalities will be woven a story as strange as ever told, and a harrowing one at that.

The Post-Dispatch is enabled to give the outline of this peculiar case from an inspection of the rough draft of the petition now in the possession of Lawyer E. F. Cunningham, who has offices in the Roe Building, 510 Pine street. Mr. Cunningham expects to have several associate counsel when the trial is held, but he is the attorney first retained by Mr. Lyle and is arranging the preliminaries.

The petition furnishes the statements that are here set forth, stripped of the legal language and verbiage.

Three years ago the infant son of Mrs. A. C. Lyle died and a notice of the death was published in the papers. It was seen by the sisters at St. Ann's Orphan Asylum, Tenth and O'Fallon streets, and as the little one was but a few days old they naturally thought the mother would be anxious to secure a child to nurse. As they have great difficulty caring for the many little ones that are thrust upon them, especially during the first few months of their lives, the sisters are constantly on the outlook for persons who can be of assistance in the way of giving the outcasts that natural food which means so much to the health of the infant.

That is how the sisters came to visit Mrs. Lyle. Their mission found ready response. The family well like a hand-to-hand mouth existence being eked out of the little tailor shop, and when the sisters offered \$10 a month Mrs. Lyle joyfully accepted, and a new stranger was brought to the house and cared for.

This little one remained a month and then another one was taken to Mrs. Lyle. It also remained a similar period.

Finally a third child was taken there to be nursed, and it is upon the advent of this infant that the entire case hangs. No one knows from where the little one came, but it was one of the many waifs that are abandoned yearly—left on doorsteps or sent by unknown persons to charitable institutions. At any rate the child did not appear very healthy, and Mrs. Lyle noticed a rash on its chest. She asked the sister who brought it what the spots were, and was assured the child had nettle rash, a common complaint among infants, especially in the summer months.

Mrs. Lyle asked if the doctor at the asylum had said this was what ailed the baby, and the sister assured her he had. (The petition dwells in extenso on this point.) So the child was left and was cared for as the others had been.

A fortnight later Mrs. Lyle noticed that a rash similar to that which afflicted the child had broken out upon her, but she thought little of the matter and treated it with some salve she had in the house. After a month this third child passed out of her life, and this was the last baby she nursed for the institution.

She was troubled greatly during the next four months, but her husband being so poor she did not feel like consulting a doctor and so only home remedies were applied. But they were of no avail, and at last Mr. Lyle insisted that a physician attend her.

The visit proved a sad one for the little family on Cass street, for the husband and wife then learned how terribly they were afflicted. Medicines were prescribed and taken, various treatments were resorted to, but to no avail. To add to the distressing situation a child was born within the year after the third baby from the orphan asylum had been taken away, and soon after birth it was noticed the little innocent was afflicted in the same manner as the other. For a year every known means to stop the progress of the malady were made, but without success. Lyle, by this

time, was doing fairly well, but every cent he made above bare living expenses went for medical attendance and drugs.

Finally, in despair, he went to a lawyer and related the story to him, asking if something could not be done in the way of bringing him assistance from those persons whom he judged were responsible for his wife's condition.

Mr. Cunningham, who was the attorney appealed to, investigated the case thoroughly and carefully weighed the evidence the husband brought to him. Then he consulted his law books for aid, but he found none there. No similar case had ever been tried. So he realized that he was venturing upon an unknown sea.

This first trial was along the lines of equity. He believed something should be done for the woman, and being in doubt as to the exact status of the benevolent institution in question, he wrote to Archbishop Kain, briefly outlining the points, and asking if the church was in any way liable.

The Archbishop referred the letter to R. Graham Frost, his attorney, and several weeks ago there was a conference between the lawyers in the Roe Building. Mr. Cunningham related the entire story to Mr. Frost, gave him the names of the prospective plaintiffs, asked him to visit them and investigate for himself, and also gave him the names of all witnesses that would be summoned.

Mr. Frost assured him he would look into the case and inform him what could be done.

The attorney for the institution has done so, and his report is that under the laws of Missouri his clients are not liable.

This is what determined the immediate filing of the suit, and the large damages that will be asked cover not only the medical expenses and the loss of time incident to the lasting sickness, but also the value of the very lives of mother and child, for as Mr. Cunningham phrased it, "they are suffering a living death; their ailment is akin to leprosy."

R. Graham Frost was asked about the case Friday.

"The matter was referred to me by Archbishop Kain," he said, "and I consulted with Mr. Cunningham. He kindly placed at my disposition all the evidence he had and asked me to investigate. In this he showed that he had the interest of his client at heart and believed she had a good case. But it was not for me to look into the matter in this direction. As attorney for the orphan asylum I advised that, admitting all the evidence true, the institution is not liable. That will be the defense in main. Here is a similar case, for instance. A man calls at your house and he has small-pox. He does not know he has the disease and it is communicated to you. Now, how can he be held responsible for any injury done you?"

Mr. Frost was asked the legal standing of St. Ann's Orphan Asylum.

"It is incorporated under the laws of the State of Missouri for benevolent purposes," he replied. "Although not a wealthy association, it is prosperous and has plenty of property with which to satisfy any legal claim. It owns the building and ground where the institution is located and some other real estate in the city."

The lawyer was asked if the case was not an unusual one.

"Indeed it is," he said. "I don't believe a similar case has ever been in the courts, and if it is brought to an issue the trial will be a most interesting one."

Mr. Frost then spoke very highly of Mr. Cunningham, but he said he believed his opponent would find damages would not lie against the prospective defendants.

It was with some reluctance that T. E. Cunningham went into details concerning the papers, which he was even working upon when the reporter visited his office.

"Yes," said he finally, "I shall be compelled to take the matter into the courts. I had hoped the persons interested in the institution would see the justice of this woman's claim and do something for her, but, as it is, the law of the land must be invoked in her behalf."

"For six months I have been reading night and day upon the subjects that might give

BLIND GIRL WHO
RIDES A WHEEL.
MISS KATE HELMKE CAN NOW GO
ALONE.

KNOWS THE PATHS BY HEART.

She Remembers Every Curve and Every Depression in a Road She Passes Over.

Miss Kate Helmke, the blind cyclist, has achieved new honors. People wondered when she mastered the wheel and rode with attendance at her elbow. She now frequently rides alone, and her daily spins in Forest Park are taken in the deep twilight.

Miss Helmke is a teacher at the Missouri Institute for the Blind, Nineteenth and Morgan streets. When she announced her intention of becoming a bicyclist the superintendent, Mr. John T. Sibley, the holder of the century record for Missouri, coached her. She first managed to steady herself on a tandem and after a month's persistence she was able to ride on a bicycle built for one. She guided herself by the sound of her companion's voice and in this way learned several routes to Forest Park. Now she can do without the companion, after passing the danger of meeting the various cycle paths, and has often leaves her company and takes long rides with no one to guide her, relying solely on her instinct and knowledge of the road bed to bring her back in safety. When with a party from the school no longer falters by the side of a member, but keeps well to the front, oftentimes in the lead.

Prof. Sibley thinks the achievement of following a track alone is even more marvellous than mastering the wheel.

"To my mind," he said, "that is the most wonderful part of it all. How she can tell just where she is when to avoid the pits we can see do not remember, and when to turn back the wheels. The only explanation is that her perceptive abilities have been so highly trained that she notes and remembers the slightest change in roadbed and through this wonderful trait is enabled to distinguish one road from another."

An instance of how keen are her powers of discernment is found in the way she keeps off the curb when she is near the gutter of the street from its center to the gutter. She will take her wheel to the curb and take her over the road two or three times, then she will know it.

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On bright days Miss Helmke is able to distinguish shadows, and has been known to accurately locate a white curb. She is not a little in her early bicycle practice, but is totally absent when the shades of evening gather.

Not only Prof. Sibley but all of Miss Helmke's friends are enthusiastic over her remarkable accomplishment, and the more impetuous urge her to attempt a century ride. To this she shakes her head, and laughingly says the summit of her ambition was a wheelwoman was reached when she found she could ride alone.

JOHNSON SENTENCED.

The Logansport Banker Gets Ten Years in the Pen.

INDIANAPOLIS, Ind., May 28.—John F. Johnson, late president and cashier of the State National Bank of Logansport, was sentenced to ten years imprisonment in the Ohio State penitentiary at 10 o'clock this morning by Judge Baker of the United States Court for the District of Indiana. There was no sensation, Johnson received the words of the judge without a tremor, and Mrs. Johnson, who was present in the court room, listened to the sentence without emotion. By counting off good time Johnson will have to serve about seven years.

JAPAN'S FEELINGS.

Marquis Kido Says No Designs Against Hawaii Are Harbored.

NEW YORK, May 28.—The World this morning says Marquis Kido, who has just arrived in this city en route for London and the Queen's jubilee, politely refused to be interviewed, on the plea that he was following the duty of his position as ambassador of Japan to the United States.

The rumors of Japan's desire to annex Hawaii are said to have been the cause of the suit of Prince Arisugawa, a member of the imperial family, who will fill that position for the Government on that occasion. We will sail on the La Gascogne Saturday and join the Prince in Paris.

FIGHT WITH TRAMPS.

One of Them Wounded by a Freight Brakeman in Iowa.

WEBSTER CITY, Mo., May 28.—The crew of freight train No. 20, on the Northwest ern road, had a desperate battle with tramps at Dunlap. The train was in charge of Conductor Blair and Brakeman D. O. Peterson. During the fight several heads were broken, and the money is being sought. The tramps boarded the train at Dunlap and were determined to ride upon it. They drew a knife and started for him. He called for his brakeman, armed with a revolver. Telling the tramps to desist, he followed the conductor was badly bruised and one of the tramps was shot. The wounded tramp was given medical treatment at Dunlap.

ARSENIC IN BREAD.

Used in Place of Baking Powder With Fatal Results.

OAKLAND, Cal., May 28.—Fred Beeson, an employe on the ranch of Henry Morse at Sunol, used arsenic instead of baking powder in making a batch of bread yesterday. Beeson is dead, another man is dying and several others are dangerously ill.

PRESIDENT M'KINLEY'S DILEMMA.

ON ITS MERITS.

The Trial of R. M. Scruggs and E. S. Langhorne Will Come Off Wednesday.

Special to the Post-Dispatch.

NEW YORK, May 28.—Richard M. Scruggs and E. S. Langhorne will be given a preliminary trial before United States Commissioner Shields next Wednesday morning. By consent of the United States Attorney, the action taken before the court last Saturday, when Messrs. Scruggs and Langhorne waived examination and were held for the Grand Jury, was set aside and the hearing will come up on its merits. This step was taken to facilitate the disposal of the matter and is based of course on the confidence in the ability of the defendants to prove that no crime was committed or contemplated by them when they undertook to bring into this country dutiable merchandise intended for presents.

The defendants will prove their previous good character and on this and the lack of criminal intent and methods they will look for dismissal. It is evident now that the Government officers are impressed by the stories the men tell and the chances are that the prosecution will be far less rigorous than at first intended. Of course the decision of the commissioner cannot be foretold.

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HE OBEYS RULES.

The President Sets a Good Example to the People, of Whom He Is Temporary Head.

Special to the Post-Dispatch.

WASHINGTON, May 28.—The President was held up by the police the other day and made to conform to the rules and regulations that all other persons have to obey in the Capitol, where the Marine Band plays, a section had been marked off which no carriages or bicycles were allowed to cross. The President's coachman, not knowing the rules, attempted to cross the chalk line. A policeman promptly stopped the carriage, and although he recognized the occupant, told the coachman that he must go back.

President McKinley apologized for the driver and directed him to go to the place assigned for other vehicles. Then Mr. McKinley bowed with a smile to the officer, who saluted him as he passed on to the allotted place. There he remained until the concert was nearly over.

STRUCK BY LIGHTNING.

A Young Farmer of Missouri Suddenly Loses His Life.

Special to the Post-Dispatch.

BURLINGTON JUNCTION, Mo., May 28.—During a heavy thunderstorm last evening, Marvin Staples, a wealthy young farmer, living eight miles west of this town, was struck by a bolt of lightning and died in a few minutes. He and his wife had been calling at a neighbor's and returned through a pasture. He got out of the wagon to close an iron gate, and the fatal bolt struck the wire fence at some distance and ran along the wire while Mr. Staples still held the gate. His wife and a farm hand carried him into the house, and he gasped the name of his wife, said "good-by" and died. Mr. Staples was the eldest son of M. A. Staples, one of the best known stock raisers in this part of the State. He had only been married about four months.

SIMMS' TREASURE.

A Second Expedition to Barbadoes Has Proved Fruitless.

DULUTH, Minn., May 28.—William Chapman and A. Zimmerman have returned from Barbadoes, whether they went last winter in search of treasure alleged by Chapman to have been buried there in 1847 or 1848 by Simms, the pirate. The trip was fruitless, for the reason they could not buy the land where the money is buried, nor did they have an opportunity to dig for it secretly. Another expedition is planning. Chapman claims to have been a member of the pirate crew of Simms, and says that one barrel of gold and two of silver were buried on the island. This is the second expedition from Duluth in quest of this treasure, and both were led by Chapman. The same difficulties were experienced in each case.

WASHINGTON DEMOCRACY.

Will Reorganize and Run on the Chicago Platform.

SPOKANE, Wash., May 28.—The leaders of the Democratic party in this State declare their intentions to rescind the fusion of the last campaign, reorganize the Democracy and conduct future campaigns upon the Chicago platform. A general meeting of Democratic committeemen has been called for this end, to meet at Spokane, June 14.

WOMAN BURGLAR WITH RED HAIR.

NELLIE WALSH USED A JIMMY LIKE AN EXPERT.

WAS DRUNK WHEN ARRESTED.

Pretty, but Depraved, Young Woman "Cracks a Crisp" Just Like a Male Housebreaker.

A warrant was issued Friday, charging Nellie Walsh with burglary and larceny.

Nellie is a pretty little red-headed woman of 22 years, with an abnormal appetite for whisky, and a jaded intellect.

She admits that she is a burglar and says she has "burgled" to live. The complaining witness was Mrs. Alice Slater of 1423 Chestnut street. Miss Slater is said to be the first female burglar with whom the police have had to deal in recent years.

Miss Alice Burns rooms in Mrs. Slater's house, and Thursday afternoon Nellie Walsh, who used to call herself Casey, called to tell a hair story.

Miss Burns said she noticed that the visitor made a careful survey of the premises, even going so far as to request to be let into the back yard.

Late Thursday night a woman crept into the back yard through the alley entrance and climbed to the top of the high board fence up close to the rear of the house. She caught hold of the porch back of the flat on the second floor, occupied by Mrs. Slater and Miss Burns.

She swung herself up on the porch and began her work. She had a "jimmy" with her, for this instrument she left behind her. She broke through the door and the green shutters reached her hand in and lifted the catch. The shutters swung open.

The "jimmy" was then shoved through the window sash and the sill and the lock on the sashes was snapped off and the window raised.

The two rooms in the rear were ransacked and \$20 worth of clothing was taken. Mrs. Slater, who owns the house, was on the back porch soon after that and saw a red-headed girl crawling out of the window of Mrs. Slater's room with her arms full of clothing. Mrs. Slater ran into the house and called for help and several of the women ran out on the porch and saw the burglar slipping out of the gate and turning up the alley.

Patrolmen Platter and Planagan were notified, and Miss Burns was taken to the Central Police Station, where she was held for a few days. The woman called on her in the afternoon and Mrs. Slater identified her as the woman who had been seen out of Mrs. Slater's window.

MILLERS SUED.

An Effort to Prohibit the Use of Milwaukee Leading Words.

MILWAUKEE, Wis., May 28.—Two suits of great importance to millers doing business outside of Minnesota have been filed in the United States Court against two Milwaukee milling corporations. The suits are the right to use the words "Minneapolis" and "Minnesota" in connection with flour manufactured by the Pillsbury-Washburn Flour Mills Co., Limited, of Minneapolis, and against the Pillsbury-Washburn Flour Mills Co., Limited, of Minneapolis, and against the Pillsbury-Washburn Flour Mills Co., Limited, of Minneapolis.

GOBBLED BY THE STANDARD.

Union Oil Co. of Los Angeles Forced to Surrender.

Special to the Post-Dispatch.

LOS ANGELES, Cal., May 28.—It is reported that the Standard Oil Co. will at last gain control of the illuminating oil produced in this vicinity. It contracts to handle all of the Union Oil Company's business for five years. Its annual product is about 800,000 barrels. Since the light has been on petroleum has been selling at 5 cents a gallon.

GOT DAMAGES.

Judgment Against a Policeman for Clubbing a Citizen.

Special to the Post-Dispatch.

NEW YORK, May 28.—The first case on record where a citizen has recovered damages from a policeman for a clubbing received while under arrest has just ended before Justice Van Wyck. Andrew H. Ennis, a laborer, charged Patrolman Wm. H. Duall with beating him while dragging him to a station. The policeman's defense was that he received his wounds by falling. The jury gave Ennis a judgment for \$500 and costs. The Police Department is not responsible for illegal acts of policemen.

MRS. LANGTRY'S PLANS.

She Will Go to Baising High-Class Stock in California.

SAN FRANCISCO, Cal., May 28.—Mrs. Langtry, the actress, will arrive in California for a short visit about the last of July. H. C. Pike received word from her that she will soon leave England on her long journey. Mrs. Langtry will spend most of her time here on her ranch in Lake County. She intends to make an extensive improvement on the place, important among them being the re-stocking of the farm with the best of breeding high class cattle and horses.

RIVAL CLAIMS.

Put Forward for the Invention of a Submarine Boat.

Special to the Post-Dispatch.

NEW YORK, May 28.—John P. Holland, the inventor of the latest submarine boat, which was successfully launched a few days ago, is likely to be the true inventor of the submarine boat. The owners of the submarine boat Fenimore claim an infringement on his patent. For eleven years the Fenimore has been in at Mrs. Iron Works, foot of South Street, and was sold a second time.

BURIAL PERMITS.

The following deaths have been reported in the city during the twenty-four hours ending at noon.

JACOB NEUMANN, 60, Alexian Brothers Hospital, carcinoma of stomach.

CONTINUED ON PAGE SIX.



MRS. ANDREW J. GRAHAM. This is a Chicago woman who scared away three highwaymen who were holding up her husband, who is a banker and Park Commissioner.



Famous

BROADWAY & MORGAN.

DECORATION DAY

—the day when, amidst recollections of the battles and struggles, fought for national freedom—sixty million hearts unite in one grand thought of reverence for those noble heroes who laid down their lives for the common good. It is pre-eminently a "dress" occasion, when people don their best attire and go forth to celebrate the day. If you intend purchasing a new suit for Decoration Day—come to Famous to-morrow and reap the benefits of our latest and greatest purchase of

THE ENTIRE STOCK OF HAMMERSLOUGH'S MEN'S SUITS

—the sale that is the wonder and admiration of St. Louis—the sale that offers the very finest garments that the best wholesale tailors can turn out—garments that vie with the productions of the best custom tailors in fabric, in workmanship and fit—and at prices fully one-third less than equal qualities can be bought for in any other house in the country.

...DRESS UP THE BOY...

Our memorable purchase of the entire stock of M. Sampter Sons & Co., New York, permits us to offer Suits of the highest degree of excellence at prices that guarantee you a saving of 35 per cent AT LEAST on every purchase. Come to-morrow—Saturday.

Young Men's Long Pants SUITS....

Breast Measure 29 to 36 inches

Ages 13 to 20 Years.

20 Styles to Choose From—every one pure wool, fast color and sewed with silk-popular overplaid, checks, twills and mingled effects—actual \$7 and \$8.50 qualities—yours Saturday at Famous—

\$4.90

Better Grades—Larger Variety of styles and patterns—actual \$10.00 and \$12.00—yours Saturday at Famous—

\$6.70

Fine Qualities—Elegantly Tailored and Trimmed—actual \$12.00 and \$14.00—yours Saturday at Famous—

\$7.85

The Finest Grades—the Very Best Suits that money can buy—rich, elegant colorings and patterns in the very finest fabrics—would be considered grand values at \$10.00 and \$12.00. We offer you these superb

\$11.75

Boys' Mackintoshes—Blue and black diagonal cloths—detachable capes—a good serviceable garment—regularly sold at \$1.50. Saturday at Famous—

\$1.48

Boys' Rubber Coats—just the thing for rainy day wear—guaranteed waterproof—worth \$2.00. Saturday at Famous—

\$1.48

Boys' Knee Pants.

40 styles to select from—All-Wool Cheviots and Tweeds—regular 75c qualities—

39c

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BOYS' KNEE SUITS.

Reef, Junior, Middy and Double-Breasted Suits.

We have gone through our immense stock and have taken all lines where the run of sizes is not complete—which have sold for \$5.00 and \$4.00—about 800 suits in all—every one pure wool, well made and trimmed—marked them for a rapid clearance at

\$2.19

Extraordinary Bargain in Fine Knee Suits, Ages 9 to 16

We are overstocked in extra fine Knee Suits—actual \$7 and \$8—yours Saturday at Famous—

\$4.69

Russian Blouse Wash Suits—Ages 9 to 16

This is an entirely new and extremely stylish and attractive suit—made only in the finest grades of pique, marcellines and duck—All- linen—actual \$5.00 and \$4.00—yours Saturday at Famous—

\$2.98, \$3.48 and \$3.98

Middy, Reef, Junior, Sailor and D. B. Suits.

About 600 Suits to choose from—every one well made of fine pure wool goods. These comprise all our lines where the run of sizes is not complete—elegant—new—first-class—actual \$5.00, \$4.00 and \$3.00—yours Saturday at Famous—

\$3.15

Boys' Fauntleroy Blouses

An elegant line—stylish, durable and finely made—worth \$1 and \$1.25—Saturday at Famous—

63c

See them in our Broadway window.

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See them in our Broadway window.

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G. A. R.

Uniform Suits at

\$8.00

Strictly All-Wool Indigo Blue Flannel—color warranted—in Single or Double-Breasted Sack styles—well tailored—extra well trimmed—guaranteed to give thorough satisfaction in every respect—two sets of buttons with each suit, one black set and one regulation G. A. R. set. This is the best G. A. R. Suit ever sold in America at this extremely low

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Men's Splendid

Business

Suits....

Actually Worth \$10 and \$12,

FOR

\$6.85

These Suits come in Single and

Double-Breasted Sack styles—medium

and dark shades in neat gray mixtures,

stylish brown plaids, handsome fancy

cheviots, blue and black cheviots and

French worsteds—all well tailored and

cut in the latest styles—positively can-

not be duplicated else-

where under \$10 and \$12. **\$6.85**

At Famous for

\$6.85

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